

## **BILL ANALYSIS**

C.S.S.B. 71  
By: Nelson  
Human Services  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

There is concern that the number of reports required of certain state agencies is disproportionate to the relevance and timeliness of the information they contain. C.S.S.B. 71 seeks to eliminate certain reports required of health and human services agencies, considered by interested parties to be obsolete and redundant, and reduce the frequency of such reports when appropriate to allow the health and human services agencies to focus state resources on providing information that is current and relevant to the governor, the legislature, and the public.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

C.S.S.B. 71 amends the Family Code to remove a requirement that the Child Abuse Program Evaluation Committee report annually on the results of the evaluation process developed by the committee to evaluate the effectiveness of programs to prevent or treat child abuse or neglect.

C.S.S.B. 71 amends the Government Code to require the guardianship advisory board to prepare a biennial report, rather than an annual report, with respect to the recommendations of the advisory board to the Health and Human Services Commission (HHSC) and specifies that the report is required to be filed with certain entities not later than December 15 of each even-numbered year. The bill requires the advisory board to review and comment biennially, rather than annually, on the minimum standards for certain guardianships and alternatives to guardianship adopted by the Guardianship Certification Board and the HHSC plan relating to the provision of assistance to certain incapacitated individuals in need of guardianship and the establishment and growth of local volunteer guardianship programs.

C.S.S.B. 71 amends the Health and Safety Code to remove a provision of law requiring printed copies of the comprehensive strategic and operational plan for the Department of State Health Services (DSHS) to be sent to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the committees of the senate and the house of representatives that have oversight certain applicable responsibilities.

C.S.S.B. 71 removes a provision of law requiring DSHS, not later than October 1 of each even-numbered year, to file the state plan for the prevention and treatment of hepatitis C with the governor, the lieutenant governor, and the speaker of the house of representatives.

C.S.S.B. 71 removes a provision of law requiring the interagency task force established by a memorandum of understanding between certain health and human services agencies and the Texas Youth Commission, the Texas Juvenile Probation Commission, and the Texas Education Agency for purposes of developing interagency training for agency staff involved in the assessment, case planning, case management, and in-home or direct delivery of services to children, youth, and their families to submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives by October 15 of each even-numbered year.

C.S.S.B. 71 amends the Human Resources Code to remove a provision of law requiring, at the end of each fiscal biennium, a report to be submitted to the comptroller of public accounts of the amount of the unencumbered balances in certain operating funds that belong to the children's assistance fund and the medical assistance fund, and requiring those unencumbered balances to be returned to the appropriate special fund. The bill removes a provision of law requiring HHSC, as soon as practicable after the end of each fiscal year, to report regarding its monitoring of expedited issuance of food stamp benefits and the degree of compliance with federal regulations on a region-by-region basis. The bill removes a provision of law requiring HHSC to notify members of the legislature and the standing committees of the senate and house of representatives having primary jurisdiction over the commission of the filing of the report.

C.S.S.B. 71 removes a provision of law requiring a report to be submitted each regular session to the legislature on the status of school age pregnancy programs in Texas and progress in meeting the requirements relating to school age pregnancy prevention.

C.S.S.B. 71 removes a provision of law requiring each health and human services agency that provides, purchases, or otherwise funds transportation services for clients to submit, not later than August 31 of each year, to the Health and Human Services Office of Community Transportation Services a report relating to transportation services that complies with the standardized system of reporting and accounting established by the office. The bill removes a provision of law requiring the office, in order to implement a statewide coordination plan regarding a system of transportation for clients of health and human services agencies that provides for coordinated, community-based services, to submit a report by electronic mail and by hand delivery, not later than September 30 of each even-numbered year, relating to the results of the review of rules, policies, contracts, grants, and funding mechanisms relating to transportation services of each health and human services agency that provides, purchases, or otherwise funds transportation services for clients conducted by the office.

C.S.S.B. 71 repeals Section 264.205(c), Family Code, requiring the Department of Family and Protective Services (DFPS), on or before December 1 of each even-numbered year, to report to the legislature on the success of swift adoption teams in expediting the administrative procedures and the length of time in placing children for adoption.

C.S.S.B. 71 repeals the following provisions of the Government Code, relating to certain reports, plans, and reporting requirements of health and human services agencies regarding applicable services, resources, facilities, programs, and projects, and a provision relating to the Texas Integrated Enrollment Services Legislative Oversight Committee:

- Section 531.0243
- Section 531.0273(b)
- Sections 531.0274(c), (d), and (e)
- Section 531.029

- Section 531.0311
- Section 531.056(b)
- Section 531.070(l)
- Section 531.110(f)
- Section 531.603
- Section 752.005
- Section 752.006
- Subchapter G, Chapter 531

C.S.S.B. 71 repeals the following provisions of the Health and Safety Code, relating to certain required reports regarding the status of the program for women and children; screening and remedial services programs for individuals with special senses and communication disorders; child health plan eligibility; the effects of exposure to chemical defoliants or herbicides or other causative agents, including agent orange; the Medicaid managed care system; state and federally funded residential services for persons with mental retardation; the types of mental health services provided by DSHS; applications for certain residential and nonresidential services; the use and amount of proceeds derived from bonds and notes issued by community centers; and treatment methods for persons with mental illness, an evaluation and report of the delivery of essential public health services, copies of certain reports by the citizens' planning advisory committee, a proposal submitted to the Department of Aging and Disability Services (DADS) by a private service provider to operate a state school or department-owned state mental hospital under certain conditions, and funds dispersed by DSHS:

- Sections 32.017(c), (d), and (e)
- Section 36.012(b)
- Section 62.104(e)
- Section 83.004
- Sections 108.0065(f) and (g)
- Section 121.0067
- Section 532.021(i)
- Sections 533.032(e) and (f)
- Section 533.033(e)
- Section 533.036
- Section 533.049(b)
- Section 533.050(b)
- Section 534.022(d)
- Section 571.0065(d)
- Section 1001.031

C.S.S.B. 71 repeals the following provisions of the Human Resources Code, relating to certain required reports regarding error-rate and returned-mail reduction goals, the electronic imaging program to prevent welfare fraud, school age pregnancy prevention programs and services, funds received and disbursed by the Department of Assistive and Rehabilitative Services (DARS) and DADS, and reporting requirements regarding certain financial assistance, Medicaid, and nutritional assistance programs, plans, and systems:

- Section 22.025(b)
- Section 22.0255(c)
- Section 31.0034
- Section 31.0325(d)
- Section 32.021(s)
- Section 32.048(d)
- Section 32.055(d)
- Section 32.257
- Section 33.0022(c)
- Section 34.007
- Section 52.001(c)
- Section 117.031
- Section 161.031

C.S.S.B. 71 repeals Section 505.207, Occupations Code, relating to an annual report regarding licensing of social workers. The bill repeals Section 603.157, Occupations Code, relating to an annual fiscal report accounting for all money received and disbursed by DSHS for the administration of statutory provisions relating to perfusionists.

C.S.S.B. 71 repeals Section 1.23, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, relating to the transition plan for the transfer of certain specified powers, duties, functions, programs, and activities to HHSC, DSHS, DADS, and DARS.

C.S.S.B. 71 makes conforming and nonsubstantive changes.

**EFFECTIVE DATE**

September 1, 2011.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.S.B. 71 contains a provision not included in the original removing a requirement that the Child Abuse Program Evaluation Committee report annually on the results of the evaluation process developed by the committee to evaluate the effectiveness of programs to prevent or treat child abuse or neglect.

C.S.S.B. 71 contains a provision not included in the original removing a requirement that printed copies of the comprehensive strategic and operational plan for the Department of State Health Services (DSHS) be sent to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the committees of the senate and the house of representatives that have certain applicable oversight responsibilities.

C.S.S.B. 71 contains a provision not included in the original removing a requirement that DSHS file the state plan for the prevention and treatment of hepatitis C with the governor, the lieutenant governor, and the speaker of the house of representatives.

C.S.S.B. 71 contains a provision not included in the original removing a requirement that the interagency task force submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives.

C.S.S.B. 71 contains a provision not included in the original removing a requirement that a report be submitted to the legislature on the status of school age pregnancy programs in Texas and progress in meeting the requirements relating to school age pregnancy prevention.

C.S.S.B. 71 contains a provision not included in the original repealing Section 264.205(c), Family Code.

C.S.S.B. 71 retains a provision repealed in the original authorizing the Health and Human Services Commission to contract with an entity to comply with certain requirements relating to the analysis of data regarding medicaid managed care organizations. The substitute contains provisions not included in the original repealing the following provisions of the Health and Safety Code:

- Sections 32.017(c), (d), and (e)
- Section 36.012(b)
- Section 83.004
- Section 121.0067
- Section 532.021(i)
- Sections 533.032(e) and (f)
- Section 533.033(e)
- Section 533.036
- Section 534.022(d)
- Section 571.0065(d)

C.S.S.B. 71 contains a provision not included in the original repealing Sections 32.021(s) and 52.001(c), Human Resources Code.

C.S.S.B. 71 contains a provision not included in the original repealing Sections 505.207 and 603.157, Occupations Code.